

From: kmotley motleylegal.com <kmotley@motleylegal.com>  
Subject: Re: Outstanding Discovery/Follow Up - re: Alvin Cole, Jay Anderson, & Antonio Gonzales Matters  
Date: February 2, 2023 at 4:43:07 PM EST  
To: "Jasmyne M. Baynard" <jmb@wbattys.com>, "Christine M. Montgomery" <cmm@wbattys.com>, "Kiley B. Zellner" <kbz@wbattys.com>, Nathaniel Cade <nate@cade-law.com>, Annalisa Pusick <annalisa@cade-law.com>, Antonique Williams <antonique@cade-law.com>, "milo@ascendcounsel.co" <milo@ascendcounsel.co>

Jasmyne,

This discovery is long overdue and for quite a bit of the discovery provided it is unavailable for whatever reason. Is there another attorney amongst the four on this case for Defendant's that we should connect with while you are in trial? Many of the items I believe can be quickly addressed like the signing of the medical and school authorizations, personnel files of Mensah, training, communications, etc. Especially since we are trying to line up depositions much of the documents are necessary for that process.

As discussed, Salyers & Mill's personnel files are relevant as they were the officers who arrived for Jay. Also, relevancy of discovery is an issue for the court to decide and not for parties to make that determination. I believe from the hearing the judge would like to resolve these matters amongst ourselves. I can say that what we DON'T need from their file is timesheets, their application. What we want from their files is any disciplinary records, complaints, training records -other than what you provided, fitness for duty evals, performance evaluations, internal investigations, etc.

Please let us know what we will receive, when we will receive the discovery, and when we can expect the signed authorizations.

Thanks!  
Kim

**From:** Jasmyne M. Baynard <jmb@wbattys.com>  
**Sent:** Thursday, February 2, 2023 3:41 PM  
**To:** kmotley motleylegal.com <kmotley@motleylegal.com>; Christine M. Montgomery <cmm@wbattys.com>; Kiley B. Zellner <kbz@wbattys.com>; Nathaniel Cade <nate@cade-law.com>; Annalisa Pusick <annalisa@cade-law.com>; Antonique Williams <antonique@cade-law.com>; milo@ascendcounsel.co <milo@ascendcounsel.co>  
**Subject:** RE: Outstanding Discovery/Follow Up - re: Alvin Cole, Jay Anderson, & Antonio Gonzales Matters

Kim,  
I took a quick look and noted the request for Salyers and Mills entire personnel records. As you recall from the hearing, the entire personal records are not relevant.

I won't have the below addressed by 2/9. I will be in trial with Judge Adelman next week.

**From:** kmotley motleylegal.com <kmotley@motleylegal.com>  
**Sent:** Thursday, February 2, 2023 2:26 PM  
**To:** Jasmyne M. Baynard <jmb@wbattys.com>; Christine M. Montgomery <cmm@wbattys.com>; Kiley B. Zellner <kbz@wbattys.com>; Nathaniel Cade <nate@cade-law.com>; Annalisa Pusick <annalisa@cade-law.com>; Antonique Williams <antonique@cade-law.com>; milo@ascendcounsel.co  
**Subject:** Outstanding Discovery/Follow Up - re: Alvin Cole, Jay Anderson, & Antonio Gonzales Matters

Hello Jasmyne,

I am sending this email as a follow up to the January 31, 2023

status hearing regarding the outstanding discovery for Anderson, Gonzales, and some of Alvin's that is missing. We also need Wauwatosa's insurance declaration page. Please note that Plaintiffs still do not have the following.

I. Outstanding/Issues with discovery for the Estates of Alvin Cole, Jay Anderson and Antonio Gonzales

A. Discovery regarding the Shootings

*We do not have all the videos, including body camera video, pictures, everything related to the Gonzales, Anderson, and Cole shootings.*

Unfortunately, we still cannot open the files with the below link for Antonio Gonzales and we are having similar problems for Anderson and Cole. This is not a "link expired issue" but is a tech matter. We have also downloaded different application in an attempt to figure it out and this is a file issue. The link for Gonzales is below and on 8/24 Milo sent an email that he was not able to open any of the videos contained in the 15-19346 folder which is still a problem.

<https://drive.google.com/drive/folders/1ColV26JsDXjLzvmVvSzEkoUSWB3gDnO1>

In addition to this, all of the below folders are empty for Anderson:

Many of the videos for Alvin Cole are also gone. I want to stress again for many of these issues this is not a 'link expired' issue.

B. Communications Regarding the investigations and matters involving the

## shootings

We have not received all the communications on business and personal devices with regards to all three shootings from WPD officers such as Mensah, Mastrocola, Weber, Vetter, Farina, Zalewski, etc., as well as from persons who worked with Wauwatosa PFC like Chris Smith, Dominick Leone, such communications include text messages, emails, hard copy letters, etc. Please note that the mentioning of individuals by name, does not and is not meant to exclude any shooting related communications on business and personal devices by anyone else.

In addition to Mensah's Wauwatosa PD email address we believe he had personal email addresses of : [Edsway58@gmail.com](mailto:Edsway58@gmail.com); [mensahjos16@yahoo.com](mailto:mensahjos16@yahoo.com); [jamensah@uw.edu](mailto:jamensah@uw.edu); [mensahj@uwplatt.edu](mailto:mensahj@uwplatt.edu); and [jamensah@wisc.edu](mailto:jamensah@wisc.edu). Produce communications regarding the shootings and Mensah's, employment, and mental health treatment from these accounts.

In addition to this we know that Mensah had a cell phone of 414-243-1773 please provide all comms from any and all devices associated with that number as well as any other electronic devices (tablet, two-way, etc) used and provide those numbers. We also need the name of the phone providers for all of the devices that he used while employment with the WPD. Please provide a list of all personal and business phones numbers as well as telephone providers for Joseph Mensah during his employment with Wauwatosa.

We also definitely have not received all communications regarding press releases, press videos and statements regarding the Gonzales, Jay, and Alvin Cole shooting all of which is not in the public which we know exist.

## II. Mensah Personnel File & Medical Records

### A. Medical Records Mensah

I have attached medical authorizations for Mensah to sign for his records. As discussed in court on 1/31 the case-law that allows for us to receive such records is *Ashford v. City of Milwaukee*, 304 F.R.D. 547, 551 (E.D. Wis. 2015). Documents indicating that the City allowed officers with certain psychological problems to remain on the street are arguably relevant to the plaintiffs' *Monell* claims and are therefore within the scope of discovery.

### B. Mensah & Neuman Personnel File

All field training and training evaluations, all disciplinary records including but not limited to any and all crashes, vehicle pursuits, performance reports and evaluations, training observation reports, daily & weekly evaluations, fitness for duty evaluations, all materials as it relates to promotions Mensah/Neuman received or not.

### C. Education Transcripts

We have not received all of Mensah's transcripts. We note that he went to UW - Platteville and UW-Milwaukee. We did receive some of the transcripts from UW-Milwaukee but it is unclear if it is the entire record. We attach 2 authorizations for Mensah to sign.

## III. Personnel Files of WPD personnel

It should be noted that we still have not received the personnel files for Ralph Salyers and Stephen Mills who were the first two officers who responded after the Jay Anderson shooting. We need

their entire personnel files which include any disciplinary records & reports, training observation reports, applications, complaints, etc.

#### IV. TRAININGS

Things that are still missing include all unredacted trainings, embedded videos, attachments, etc. Mensah took or was a part of during his time as a WPD officer such trainings that we have received redacted and/or we do not have all the trainings materials including the embedded videos include: Pursuit Policy review, Active shooter response, less than lethal training, DAAT lesson, Fall 2015 Use of Force, and Vehicle Contacts Training.

Training which we know of that which we have not received documents for include the following: Warrior Survival Training, Officer shooting training, Shooting Debrief training/lesson, All Use of Force Training during the duration of Mensah employment with WPD.

Please provide the medical and school authorizations back to us no later than February 6, 2023. Also, if you could send all the discovery to us no later than February 9, 2023 so that we can continue to move these matters forward.

If you have any questions on the above, I am available to Confer.

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Best,

Kim

Kimberley Cy Motley, Esq.  
C.E.O. / Founding Partner  
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